



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,792	10/18/2000	Yakov Kamen	004688.P004	5769

33448 7590 06/16/2005

ROBERT J. DEPKE  
LEWIS T. STEADMAN  
TREXLER, BUSHNELL, GLANGLORGI, BLACKSTONE & MARR  
105 WEST ADAMS STREET, SUITE 3600  
CHICAGO, IL 60603-6299

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/691,792

**Applicant(s)**

KAMEN ET AL.

**Examiner**

Dominic D. Saltarelli

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly (6,144,376, of record) in view of Beer (5,793,368).

Regarding claims 1 and 10, Connelly discloses a system for providing an electronic program guide (EPG) presentation (fig. 3B) for use with a receiver (fig. 4, processing unit 400, col. 5, lines 13-23) for displaying programs from a plurality of program sources (both television and internet content, col.4, lines 32-44) on a plurality of user-selectable channels (fig. 3B, channels 2, 4, 5, 9 and 10) comprising an EPG presentation generator (fig. 2, system 200) for generating a displayable EPG presentation (software module running on system 200 generates the EPG presentation, col. 4, lines 4-12, 32-44).

Connelly fails to disclose a user selection means for modifying a visual display of the EPG presentation data characteristics based on a user control command.

In an analogous art, Beer teaches user selection means to accept a user control command to perform a modification of a user interface (col. 3, lines 17-33), for the benefit of providing users with a simple means to change the visual style of a user interface (col. 2, lines 43-57).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly to include a user selection means for modifying a visual display of the EPG presentation data characteristics based on a user control command, as taught by Beer, for the benefit of providing users with means to change the visual aspects of the EPG presentation, such as to suit personal tastes.

Regarding claim 3, Connelly and Beer disclose the system of claim 1, further comprising a morphing engine (Beer teaches a resident PGUI which controls the display, col. 3, lines 50-67) including a database of different EPG presentation solutions (UIL user interface descriptions saved in the local storage unit for later retrieval, Beer, col. 3, lines 50-67), and based on a control command (user input) generated by a signal filter (Connelly, fig. 2, processor 202, col. 3, lines 50-61), one of said solutions is selected from said database for display (Beer, col. 3, lines 23-25).

Regarding claim 4, Connelly and Beer disclose the system of claim 3, wherein the morphing engine comprises a set of parametrical functions (Beer, 'widgets', col. 3, lines 50-67) and a control command generated by the signal filter creates a request for a specific function and its parameters (Beer, users can selectively add, delete, select, and modify said widgets, col. 3, lines 50-67).

Regarding claim 5, Connelly and Beer disclose the system of claim 3, wherein the morphing engine comprises a mix of presentation solutions and functions, and a control command generated by the signal filter creates a request for one of said solutions (Beer, users may select a visual style, col. 3, lines 23-25).

Regarding claim 6, Connelly and Beer disclose the system of claim 3, wherein the morphing engine comprises a mix of presentation solutions and functions, and a control command generated by the signal filter creates a request for a specific function and its parameters (Beer, users may select individual 'widgets', col. 4, lines 50-67).

Regarding claim 7, Connelly and Gibbs disclose the system of claim 1, further comprising a signal filter (Connelly, fig. 2, processor 202, col. 3, lines 50-

Art Unit: 2611

61) that is based on input from a user (Connelly, user input is through input device 206, col. 3, lines 55-61).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly and Beer as applied to claim 1 above, and further in view of Matthews, III et al. (5,724,492, of record) [Matthews].

Regarding claim 2, Connelly and Beer disclose the system of claim 1, but fail to disclose the EPG presentation is capable of being displayed as a three dimensionally arranged set of three dimensional surfaces textured by specially preprocessed scheduling data.

In an analogous art, Matthews teaches a system for displaying programming information (fig. 7) which is capable of displaying said programming information as a three dimensionally arranged set of three dimensional surfaces textured by specially preprocessed scheduling data (the system animates the objects in true three dimensional fashion, col. 16, lines 1-14, this animation includes the text upon the faces of the objects, as shown in fig. 7 and the spatial positioning of the object on the screen, as shown in fig. 6). Such capability conserves screen space while still providing a significant amount of information to a user (col. 15, lines 5-15).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly and Beer to include the capability to present the EPG data as a three dimensionally arranged set of three

dimensional surfaces textured by specially preprocessed scheduling data, as taught by Matthews, for the benefit of conserving screen space by adding a third dimension of depth in which to present scheduling information to a user.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly and Beer as applied to claim 1 above, and further in view of Kikinis (6,205,485, listed on the PTO-1449 filed 01/31/02).

Regarding claim 8, Connelly and Beer disclose the system of claim 1, but fail to disclose the signal filter is based on input from a broadcaster.

In an analogous art, Kikinis teaches receiving commands (command bearing tags, col. 4, lines 44-58) from a broadcaster (transmission is performed via satellite, col. 4, lines 38-43 and col. 5, lines 8-12) which control the display presented to a user (col. 7 line 47 – col. 8 line 9), enabling the broadcaster to control the information presented to a user in the most beneficial manner (col. 5, lines 13-32).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly and Gibbs to base the signal filter on input from a broadcaster, as taught by Kikinis, for the benefit of enabling the broadcaster to control the display presented to the user in the manner most beneficial to the broadcaster and the programming providers.

Art Unit: 2611

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly and Beer as applied to claim 7 above, and further in view of Borsuk (5,233,333, of record).

Regarding claim 9, Connelly and Beer, disclose the system of claim 7, but fail to disclose the user request is for a different font size.

In an analogous art, Borsuk teaches providing a user with the option and means to change the font size of displayed text (col. 4, lines 54-60) to accommodate reading of the displayed text by the visually impaired (col. 1, lines 5-15).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly and Beer to include offer the choice of different font types and sizes to users, enabling users either see more EPG listing information at once, or to make the EPG listings larger and easier to read.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Straub et al. (6,091,411) who teaches user selectable visual themes to apply to user interfaces. Shah-Nazaroff et a. (6,330,718) who teaches adjusting the parameters of a visual display, such as font size, to allow the visual display to be seen from farther away. Tanaka (5,815,148) who teaches selectively applying different graphical user interfaces with the same functionality.



8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2611

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS

  
HAITRAN  
PRIMARY EXAMINER